

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, DECEMBER 9, 2014 – 7:00 P.M.**

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **CEREMONIAL MATTERS**

President Fraim read a Resolution commending Ruffner Academy Bulldogs boy's football team for capturing the Norfolk/Portsmouth Middle School League Football Championship on November 5, 2014. Coach Bobby Feinman, accepted the Resolution on behalf of the team. Principal Richard Farley and Assistant Principal Doris Langhorne, were also present.

### **WILLIAM H. RUFFNER ACADEMY**

**WHEREAS**, in the Fiscal Year 2007 operating budget, the City Council provided funding that enabled Norfolk Public Schools to begin a middle school football program that has proven to be highly successful; and

**WHEREAS**, the Ruffner Academy Bulldogs football team is comprised of 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders, and has established itself as one of Norfolk's leading middle school football teams; and

**WHEREAS**, under the leadership of Head Coach Bobby Feinman, the Bulldogs finished this year's season with a 6 and 2 record, and on November 5 captured the 2014 Norfolk-Portsmouth Middle School League Football Championship by defeating the Lake Taylor Middle School Vikings by a score of 14 to 12; and

**WHEREAS**, Coach Feinman's team proved themselves to be resilient athletes who, in winning this championship, overcame a variety of adversities in learning the value of teamwork and sacrifice and the success that comes from working together to achieve a goal.

#### **NOW, Therefore, Be It Resolved:**

**Section 1: -** That the Council of the City of Norfolk hereby congratulates the Ruffner Academy Bulldogs middle school football team on the occasion of winning the Norfolk-Portsmouth Middle School League Football Championship, and commends Coach Feinman and his assistants for their commitment to helping young people develop life skills through athletic competition.

**Section 2: -** That this resolution be recorded in the permanent proceedings of the City Council and that a copy thereof be presented to Coach Feinman and his team.

**ACTION:** The Resolution as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **INVITATION TO BID**

IB-1

Matter of an **INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Lease and Service Agreement**, with a term of twenty years, for the lease and operation of **Lambert's Point Golf Course and Ocean View Golf Course** in the City of Norfolk.

(ORDINANCE PASSED BY AT THE MEETING OF NOVEMBER 25, 2014)

Thereupon, An Ordinance entitled, "An Ordinance accepting the bid submitted by **Golf Management, Inc.** for a **Lease and Service Agreement**, with a term of twenty years, for the lease and operation of **Lambert's Point Golf Course and Ocean View Golf Course** in the City of Norfolk," was introduced in writing and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective January 9, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **GRACE BIBLE CHURCH**, for a change of zoning to remove conditions on properties zoned conditional IN-1 (Institutional) premises numbered **1121 East Little Creek Road**.

Mark King, 6020 River Road and Neal McCullohs, 1363 Sir Richards Road, Virginia Beach, VA, were present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to rezone properties located at **1121 And 1129 East Little Creek Road** in order to remove Conditions on property zoned Conditional In-1 (Institutional District)," was introduced in writing and read by its title

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Redevelopment and Housing Authority** for the closing, vacating and discontinuing eleven portions of **East Ocean View Avenue, 22<sup>nd</sup> Bay Street, 23<sup>rd</sup> Bay Street, Old 23<sup>rd</sup> Bay Street, and Pleasant Avenue.**

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing eleven portions of E. **Ocean View Avenue, 22<sup>nd</sup> Bay Street, 23<sup>rd</sup> Bay Street, Old 23<sup>rd</sup> Bay Street, and Pleasant Avenue** and authorizing the conveyance to the abutting property owner of any interest the City may have in the underlying fee of said portions of E. **Ocean View Avenue, 22<sup>nd</sup> Bay Street, 23<sup>rd</sup> Bay Street, Old 23<sup>rd</sup> Bay Street and Pleasant Avenue,** contingent upon the satisfaction of certain conditions” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 9, 2015.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Redevelopment and Housing Authority, a)** to amend the **City’s General Plan, planorfolk2030, SO AS TO** change the land use designation for properties located at **3321 Kimball Terrace** from Open Space/Recreation to Multi-Family, **b)** to change the zoning from Conditional R-13 (Multi-Family Residential) and OSP (Open Space Preservation) to Conditional R-11 (Multi-Family Residential) District)on property located at **3321 Kimball Terrace, c)** to change the zoning from Conditional R-13 (Multi-Family Residential) District to Conditional R-11 (Multi-Family Residential) District for properties located at **3101 to 3163 Kimball Terrace, d)** to change the zoning from R-11 (Multi-Family Residential) to Conditional R-11 (Multi-Family Residential) for properties located at **600 to 614, 601 to 617, and 618 to 776 Wiley Drive, e)** to change the zoning from R-11 (Multi-Family Residential) to OSP (Open Space Preservation) District on property located at **3101 to 3163 Kimball Terrace, and f)** for a **Special Exception** to permit the construction of seven or more dwelling units on properties located at **3101 to 3357 Kimball Terrace, 600 to 614 Wiley Drive, and 601 to 741 Wiley Drive.**

Steve Morales, from NRHA, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to amend the **City’s General Plan, planorfolk2030 SO AS TO** change the land use designation for properties located at **3321 Kimball Terrace** from Open Space/Recreational to Multifamily,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

#### PH-3A

An Ordinance entitled, “An Ordinance to rezone properties located at **3321 Kimball Terrace** from Conditional R-13 (Multi-Family Residential) and OSP (Open Space Preservation) to Conditional R-11 (Multi-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

#### PH-3B

An Ordinance entitled, “An Ordinance to rezone properties located at **3101 to 3163 Kimball Terrace** from Conditional R-13 (Multi-Family Residential) District to Conditional R-11 (Multi-Family Residential) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

PH-3C

An Ordinance entitled, “An Ordinance to rezone properties located at **600 to 614, 601 to 617, And 618 to 776 Wiley Drive** from R-11 (Multi-Family Residential) to Conditional R-11 (Multi-Family Residential),” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3D

An Ordinance entitled, “An Ordinance to rezone properties located at **3101 to 3163 Kimball Terrace** from R-11 (Multi-Family Residential) to OSP (Open Space Preservation) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3E

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the construction of seven or more dwelling units on properties located at **3101 to 3357 Kimball Terrace, 600 to 614 Wiley Drive, And 601 to 741 Wiley Drive,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **CONSENT AGENDA**

C-1

Letter from the City Clerk transmitting an **Abstract of Votes** cast in the City of Norfolk at the General and Special Elections on November 4, 2014, pursuant to **Section 24.2-675** of the *Code of Virginia*.

**ACTION:** Received and filed.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement** with **Old Dominion University Real Estate Foundation**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and accepting the sum of \$6,000 from the **Virginia Department of Legislative Services Chesapeake Bay Restoration Fund** for the implementation of the **Bay Star Homes Program**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Associated Contracting Services, Inc.**, to encroach into City property at **623 West Ocean View Avenue**, with a deck and pier,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms and conditions of a water pipeline occupancy permit for the installation of a water pipeline in the **Railway’s** right of way in **Maltby Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$35,000 in grant funding from a **FY14 State Homeland Security Program Grant** from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management** and appropriating and authorizing the expenditure of the \$35,000 in grant funding to purchase hazardous materials team equipment for the **Department of Fire-Rescue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.



R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting an additional \$14,677.34 in **Rescue Squad Assistance Grant Funds** from the **Office of Emergency Medical Services** and appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of additional local matching funds in the amount of \$3,669.26 to purchase mobile gateway/hot spot routers and other equipment for the **Department of Fire-Rescue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and a Resolution entitled, “A Resolution approving the exercise by the **Norfolk Redevelopment and Housing Authority** of powers conferred by the **Virginia Housing Authorities Law, Chapter 1, Title 36** of the **Code of Virginia of 1950**, as amended, in conjunction with the issuance of Revenue and Refunding Bonds in the amount of up to \$65,000,000, the proceeds of which will be loaned to **Fort Norfolk Retirement Community, Inc. (The “Applicant”)**, to assist the applicant in refinancing the **Harbor’s Edge Continuing Care Retirement Community** located at **1 Colley Avenue, Norfolk, Virginia**, and financing certain capital costs and improvements and upon which the City shall not have any payment obligation,” was introduced in writing and read by its title.

Barry Hunter, 3305 Stapleford Chase, Virginia Beach, VA, was present to answer questions.

**ACTION:** The Resolution as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a **City Council** meeting on Tuesday, **December 16, 2014** at **7:00p.m.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance to **move the location of the regular weekly City Council meeting** scheduled for **Tuesday, January 13, 2015** at **7:00p.m.**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Manager** to enter into a **Refund Payment Agreement** as settlement of a refund of taxes paid to the City pursuant to **Section 58.1-1204 of the Code of Virginia, 1950**, as amended,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

A Resolution entitled, “A Resolution supporting the **Governor’s** commitment that all **Virginia Public Schools** be accredited by the end of his administration and requesting the **Governor and General Assembly** take action to provide funding and other assistance to divisions with unaccredited schools **SO AS TO** achieve that goal,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective December 9, 2014.

Yes: Johnson, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

### **NEW BUSINESS**

1. Bobbie Gribble, President of the Junior League, 820 Jennings Street, spoke to Council about the Taylor Whittle House, seeking assistance to preserve this historical house.
2. Danny Lee Ginn, 3845 Dare Circle, commented on good government.